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December 15, 2008

VIA FEDERAL EXPRESS

Hon. Patty Shwartz, U.S.M.J.
United States District Court for the District of New Jersey
U.S. Post Office and Courthouse Building
50 Walnut Street
Newark, NJ 07101

Re: Elias v. Ungar Food Products, Inc.
Civil Action No. 06-2448 (KSH)

Dear Judge Shwartz:

This firm is co-counsel for the defendants in the above matter. In accordance with Your Honor's rules, we are writing to request a telephone conference regarding two motions the defendants wish to file with Judge Hayden.

The first motion seeks summary judgment on the named plaintiffs' claims under the New Jersey Consumer Fraud Act ("NJCFDA"). The basis for this motion is (a) the New Jersey Supreme Court's recent adoption of the Second Restatement's "most significant relationship" test for choice of law issues in P.V. v. Camp Jaycee, 2008 WL 5102951 (N.J. Nov. 28, 2008), and (b) the defendants' position that, separate and apart from the applicable choice of law standard, the NJCFDA does not afford a private cause of action to consumers who purchase products outside the State.

The second motion seeks decertification of the class on multiple grounds, including the individual issues created by the need to apply different states' laws to the claims of each member of the class.

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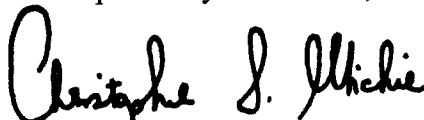
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We are available for a telephone conference at the Court's convenience.

Thank you for your consideration in this matter.

Respectfully submitted,

A handwritten signature in black ink, reading "Christopher J. Michie". The signature is written in a cursive, flowing style.

Christopher J. Michie

CJM:bd
Encl.

cc: Hon. Katherine Sweeney Hayden, U.S.D.J.
Matthew Aaronson, Esq.
David R. Gross, Esq.